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The Grand Jury for the General Sessions.

The Men Who Are To Be Selected to Prepare Indictments—Business Awaiting Their Disposal—Important to Criminal Jurisprudence.

THE JUMEL ESTATE CONTROVERSY.

Further Insight Into Ancient Domestic History—Further Testimony on Behalf of Bowen—An Alleged Adopted Daughter of Madame Jumel on the Stand.

THE NOONAN EXTRADITION CASE

Conclusion of the Examination—Arrival and Production of the Judicial Papers in the Case—Noonan To Be Extradited.

BUSINESS IN THE OTHER COURTS.

Summaries—One of the Results of the Late Labor Strike—Business in the Court of Oyer and Terminer and General Sessions—Decisions.

The second trial of Edward S. Stokes for the alleged murder of Colonel James Fisk, Jr., is to commence this morning in the Court of Oyer and Terminer. It is understood that Judge Boardman, of the Second Judicial district, will hold the trial.

A curious habeas corpus case came up yesterday before Judge Leonard, at Supreme Court, Chambers. Several years ago a man and his wife adopted a little girl from the Commissioners of Charities and Correction. Recently it was reported to the Commissioners that they were unfit custodians of the child, and an officer, taking advantage of its absence at school, took possession of it and returned it to the Commissioners; hence the present suit. Meantime the parties seeking to recover possession of the child have abandoned their former business, the disreputable character of which caused complaint to be made against them. The full particulars are given elsewhere and it will be found to be a curious as well as novel story.

The only business of importance before the Court of Oyer and Terminer yesterday was an application to postpone the trial of James C. King, charged with the murder of Anthony O'Neil. This postponement was asked so as to allow a commission to be sent to Germany to obtain proof of King having several years ago been compelled to take a sea voyage on account of an attack of acute mania. Judge Ingraham, before whom the application was made, took the case under consideration, promising to give a decision in a day or two.

Judge Sedgwick, of the Superior Court, yesterday gave a decision in the Rose McCabe case. He declares her so insane as to endanger her own person if allowed to go at large, but thinks that under proper treatment she can be restored to a healthful condition of mind.

The Grand Jury for the January Term in the Court of General Sessions was drawn yesterday. Judge Leonard, of the Supreme Court, presided at the drawing. It will be seen by the list of names given in another column, that the number includes some quite prominent citizens.

Yesterday Thomas Peters, a boy nineteen years old, was committed for examination by Commissioner Shields on a charge of having passed a fifty cent counterfeit stamp on John Zalud. A policeman, who arrested Peters, stated that he had attempted to pass counterfeit money in several other places. The accused was held in default of $500 bail.

G. L. Fogg, of 22 Coenties slip, gave bail yesterday before Commissioner Betts to answer a charge of having violated the shipping act by shipping William Wilson and others on board the American schooner Lizzie Major. The shipping act makes it a criminal offence for any person other than the United States Shipping Commissioner to ship seamen at this port.

Nathan Bach, a bankrupt, was in custody of United States Marshal Sharpe for the purpose of being examined before Register Ketchum. Bach's counsel obtained a writ of habeas corpus from Judge Ingraham, of the Supreme Court, requiring Marshal Sharpe to bring Bach before Judge Ingraham to show cause for his detention in custody. The Marshal made return that Bach was held by him in pursuance of an order under the process of the United States Court, and that he (the Marshal), as advised, must respectfully decline to comply with the order of Judge Ingraham. And so the matter stands at present.

The case of George Washington Bowen vs. Nelson Chase was resumed yesterday in the United States Circuit Court, before Judge Shipman and a special jury. The cross-examination of Daniel Hull was concluded. It was claimed by the defence that this witness had contradicted himself on a material point. Some other testimony having been given, the case was adjourned till this morning.

Commissioner Osborn has decided in the case of Denis Noonan, who is charged with having committed forgery in Charleville, county Cork, Ireland, that the papers submitted to him by the British Consul in reference to this accusation are sufficient upon which to hold the prisoner, who will, therefore, be sent back to Ireland under the Extradition Treaty.

THE STORY OF A WAIF.

An Adopted Child Abducted from School—How It Came About and How the Case Got Into the Courts—Affection Weighed Against Money.

About five years ago Mrs. Elizabeth Smith obtained from the Commissioners of Charities and Correction a little girl two years old. The name of the little waif was Katie McCarthy, which name was changed, however, to Katie Smith on Mrs. Smith obtaining possession of her. Mrs. Smith, abetted by her husband, they being childless, was, it is stated, taking the best care of the child, rearing it tenderly and attending with zealous care to its education, until a few days ago, when representations were make to the Commissioners of Charities and Correction that she was not a proper custodian of the child, upon which Officer Walsh was directed to obtain possession of the child, which he did, and so delivered her to the care of the Commissioners. Application was at once made on behalf of Mrs. Smith before Judge Leonard, holding Supreme Court Chambers, for a writ of habeas corpus directed to the Commissioners and requiring them to produce the child in Court with a view of restoring the child to her. Pursuant to this writ the child was produced in Court yesterday. It took but a few moments to dispose of the case. Colonel O. S. Spencer, who appeared for Mrs. Smith, told how carefully the child had been brought up by her; how, although only seven years old, she had been advanced in her studies much beyond ordinary children of her age, and how strongly Mr. and Mrs. Smith were attached to her as well as she to them. He asked that a referee be appointed to investigate the facts of the case. This the Judge promptly did, naming Mr. Ernst G. Stebbins as referee, and setting down two P. M. to-morrow for the first hearing.

THE STRANGE PART OF THE STORY.

There is scarcely any end to the habeas corpus cases coming before the Court presenting similar features to the above. The rest of the story diverges widely, however, from that usually developed in Court proceedings of this character. We have stated that Mrs. Smith is a married woman. Of this fact no question is raised. She was present in Court yesterday, accompanied by her husband. They are each about forty-five years old, and, barring his frilled shirt bosom and gorgeously massive watch chain, had the look of a very quiet and respectable couple. For a good many years, however, they kept a place in Sullivan street whose precise character need not be described. They made money here—made it disreputably, but made it nevertheless. Five years ago they adopted this little girl. They kept her at their residence, apart from this place. Everything they could do for her has been done. They could not have done more for her if she had been their own daughter. They put in bank $1,000 for her, to accumulate at compound interest until she became of age. They looked upon her, in fact, as their child, and she did not know otherwise than that they were her parents. At length came the

STUNNING BLOW

the taking of the child from them. The child was taken from the school she was attending, and again its care being assumed by the Commissioners of Charities, they were powerless, and could only help themselves through invoking the aid of the Court.

"The Court will not give you back the child," said a friend to them.

"How so?" both anxiously inquired; "is she not well taken care of by us?"

"But your business is such no judge will give you the child."

"And there is a hope of getting her back if we abandon our business?"

"The, only hope."

A FORLORN HOPE.

And on this forlorn hope the couple acted. They at once abandoned their old business. They now come into Court, as they trust, with clean hands, and hope thus to obtain possession once more of—such they themselves designate her—their darling child. Meantime the child remains in the keeping of Mr. Stephens, the Superintendent of Randall's Island.

THE CASE OF ROSE M'CABE.

The Decision of Judge Sedgwick—He Pronounces Her Partially Insane, but Believes Her Curable.

It is unnecessary to recapitulate all the facts connected with the recent investigation as to the sanity of Rose McCabe, otherwise known as the nun Sister Mary of Stanislaus. It is only necessary to state at present that some two years ago she was placed in the Bloomingdale Lunatic Asylum, from which institution in the course of a few months she was transferred to the Lunatic Asylum on Blackwell's Island; that she claimed to have been badly treated by certain priests, and that, according to her own story, a sister and various other parties whom she had previously supposed to be her friends, had, in conjunction with these priests, and to shield the latter from the odium of their misdeeds, conspired to put her into a lunatic asylum. The story of her alleged grievances she told to everybody who would listen to it. At length a lawyer, who had faith in her narrative and whose sympathies were in consequence greatly aroused in her behalf, sought through the medium of a writ of habeas corpus to obtain her release from the asylum. The case was first taken before Judge Leonard, of the Supreme Court, who, after hearing her story, pronounced her clearly insane. This did not satisfy her counsel, and application was made for another writ, this time to Judge Sedgwick, of the Superior Court. The examination before the latter Judge ran through several weeks, and the evidence, which was quite fully published in the HERALD, is still fresh in the public memory. Several weeks have elapsed since its close, and Judge Sedgwick, having meantime thoroughly digested the mass of evidence, announced yesterday his decision. This decision is characteristically brief; but, short as it is, covers the whole ground, and, what is more, reaches the conclusions generally anticipated. The following is the

OPINION OF JUDGE SEDGWICK.

After carefully weighing the testimony in this matter I come to the conclusion that the lady is so insane as to endanger her own person if permitted to go at large. Relying upon Dr. Choate's testimony, I think that her disease is curable, and that she will be restored to health if she can get the benefit of measures taken by skilled men in such cases.

RESULT OF THE DECISION.

The result of the above decision is to leave Miss McCabe where she is, in the Lunatic Asylum on Blackwell's Island. It remains to be seen whether further efforts will be made to prove her sanity, or whether—the unquestionably more philanthropic and reasonable course—efforts will be made to restore her to a sound mental condition.

GENERAL SESSIONS GRAND JURY.

The Men Who Are to Help Prepare the Criminal Indictments for Next Month—Business Awaiting Their Disposal—Important Questions.

The wheel of fortune, that generally brings bad luck to so many and good luck to very few, acts on the worst principle when called into play to settle the question of grand jurors in our criminal courts. It became necessary yesterday to draw a Grand Jury for the January Term in the Court of General Sessions, and, as usual, the result was left to the turn of the wheel. The drawing took place in Supreme Court Chambers, before Judge Leonard, and in presence of Sheriff Brennan and Mr. Douglas Taylor, Commissioner of Jurors. Mr. Gumbleton, Deputy County Clerk, did the drawing. About seven hundred names were in the wheel, and from that fifty names, the required number, were drawn.

THE GRAND JURORS DRAWN.

The following are the names of those drawn:—Robert Moon, Richard R. Butler, Charles H. Contoit, Daniel B. Bedell, Benjamin F. Wheelwright, Nathaniel J. King, Amaziah L. Ashman, Ferdinand F. Dubois, Gordon W. Burnham, Moritz Cohn, William Remsen, Josiah Jex, Frederick B. Noyes, Augustus F. Pearse, Hervey David, Ezekiel C. Williams, R. Suydam Grant, Bernard K. Murphy, Homer Franklin, Edmund Yard, Rudolph A. Witthaus, Roland J. Doty, Philip Dater, Henry G. Griffen, William L. Felt, Lawrence N. Fuller, Benjamin J. Hart, Edward Fanning, Jacques Gucchin, Orlando B. Potter, Peter H. Jackson, Frederick Hubirston, Oliver L. Ferris, Ignatz Stein, John S. Rice, Simon Bernheimer, Felix Artois, Francis H. Amidon, Robert G. Cornell, Joseph J. Bartlett, Lucius S. Comstock, Nathaniel Ellis, Nathaniel Roe, Henry D. Fuller, Andrew C. Armstrong, John H. Nichols, Adolph G. Dunn, Ernst C. Korner, Amos R. Eno and Marshall Wright.

BUSINESS BEFORE THE JURY.

There is promise of abundant work for the sixteen to be selected from the above list. Their names will be determined in a few days, and on the opening of the new year they will promptly be put into working harness.

THE JUMEL PROPERTY CASE.

The Suit of Bowen vs. Chase—More Testimony for the Plaintiff—An Alleged Adopted Daughter of Madame Jumel—A Further Insight Into Ancient Domestic History.

The hearing of the case of George Washington Bowen vs. Nelson Chase was resumed yesterday in the United States Circuit Court, before Judge Shipman and a special jury.

The cross-examination of the witness Daniel Hull was concluded. It was contended by the defence that Hull had contradicted himself by having stated in a deposition formerly taken that he had first seen the plaintiff, Bowen, before his (Hull's) father's death; while, in giving his oral testimony, he swore that it was after his father's death he first saw him.

Mrs. Mary Morilla Mumford, who claims to have lived with Mme. Jumel as her adopted daughter, was called as a witness by the plaintiff, and it was proposed to show by her testimony that Mme. Jumel had willed her her property; that the defendant found this out, and that soon after the witness was taken ill, under circumstances alleged by the plaintiff to have been suspicious.

The Court ruled out this testimony as irrelevant.

The further hearing of the case was adjourned till to-day.

THE CASE OF DENIS NOONAN.

He Is To Be Sent Back to Ireland Under the Treaty of Extradition with England—Decision of Commissioner Osborn.

Yesterday Commissioner Osborn rendered his decision in the case of Denis Noonan, who had been charged, under the treaty of extradition with England, with having committed forgery at Charleville, county Cork, Ireland. The complaint against Noonan was made by the British Consul, Mr. Archibald, on the 29th of October last. It alleged that at different times between the 19th of May, 1872, and the 19th of October, 1872, Noonan committed forgery by the utterance of forged paper upon the National Bank at Charleville. On the 14th of December evidence was taken in the case before the Commissioner. Prisoner's counsel raised several objections to the sufficiency of the documentary proof, not only in regard to the authentication of the documents and the certificate of the Consular officer, but in respect to alleged defects in the papers themselves. The Commissioner held that these objections were not tenable in law and overruled them, and that the depositions and informations duly certified by the American Consul at Dublin and received in evidence proved conclusively the crime set forth in the warrant which was issued on the complaint of the British Consul, and that the oral testimony introduced established the identity of the prisoner as the man charged with having committed the forgery in question. The prisoner is, therefore, committed to the custody of the Marshal until a warrant may issue upon the requisition of the English government for the surrender of Noonan according to the treaty stipulations.

BUSINESS IN THE OTHER COURTS.

COURT OF OYER AND TERMINER.

Application to Postpone the Trial of James C. King—Trials and Sentences.

Before Judge Ingraham.

The large throng in attendance at this Court yesterday morning did not find anything of particularly startling interest to occupy their attention. The only thing of special importance was an application in the case of

THE KING-O'NEIL TRAGEDY.

This was an application made by Mr. Vanderpoel, counsel for Mr. King, for the postponement of his trial, pending the return of a commission to take testimony in Germany. It was urged that the testimony thus sought to be obtained would show that several years ago King, in consequence of a severe attack of acute mania, was obliged to take a sea voyage. The application was strenuously opposed by Assistant District Attorney Fellows. After hearing the argument the Judge reserved his decision.

CONVICTED OF GRAND LARCENY.

John Henry was tried on a charge of grand larceny in stealing a suit of clothes. Mr. Abe H. Hummell made out the strongest possible case for the prisoner, but the evidence was so clear that a conviction followed. He was sentenced for two years and six months to the State Prison.

William Adams was convicted of larceny and sent for one year to the Penitentiary.

There being no further cases ready for trial the Court adjourned till this morning.

THE STOKES CASE.

The trial of Edward S. Stokes, indicted for the shooting and killing of James Fisk, Jr., in the Grand Central Hotel, in this city, on the 6th of January last, will be commenced to-day in the Court of Oyer and Terminer, before Judge Boardman. Judge Boardman presided at the trial of the notorious Rulloff, at Binghamton, which resulted in the conviction, sentence and execution of Rulloff.

SUPERIOR COURT—SPECIAL TERM.

Decisions.

By Judge Curtis.

Thomas Brown vs. Henry Mandeville et. al.—Motion to defer cause denied, without costs.

Michael Noonan vs. The Twenty-third Street Railroad Company—Motion for injunction denied, with leave to renew.

By Judge Monell.

Samuel F. Schaffer vs. Mary Schaffer—Precept allowed.

William H. Adams vs. John Ives—Order denying motion.

COURT OF COMMON PLEAS—SPECIAL TERM.

Important Decision Touching Revival of a Judgment by an Administratrix.

Before Judge Larremore.

John T. Brown vs. Mathew Nugent.—An important decision was yesterday given in this Court upon an application for leave to issue an execution after the death of the party for whom the judgment was found. The facts of the case and the law governing it are briefly but succinctly set forth in the following

OPINION OF JUDGE LARREMORE.

On October 31, 1868, a judgment was recovered by the plaintiff against the defendant. On the 14th of June, 1869, the plaintiff died without having issued execution upon said judgment. A motion is now made by his administratrix upon notice to the judgment debtor for leave to issue such execution. The relief sought cannot be obtained upon this application (Wheeler vs. Parkens, 12 Howe, 537; Thurston vs. King, 12 Abb., 126; Jay vs. Martine, 2 Duer, 654). The writ of scire facias is abolished by section 428 of the code, but the remedy for which it provided may now be had by an action. (P. Mevan vs. Varick, 5 Barb., 277; Carvern vs. Young, 6 How., 672; Alder vs. Clarke, 11 How., 209.) The administratrix must bring an action for and obtain an execution, to be issued in her name, against the property of the judgment debtor (Thurston vs. King, 1 Abb., 127; Eudora vs. Litchfield, 22 How., 178). This appears to be the only mode of reviving the judgment in the name of the administratrix, and of obtaining execution thereon. The motion must be dismissed, but without costs.

Decisions.

Jobson vs. Drew—Order for short calendar.

Leitch vs. Atlantic Mutual Insurance Company—Motion denied.

By Judge J. F. Daly.

Fannebaum vs. Migel—Motion denied.

MARINE COURT—PART I.

One of the Results of the Late Labor Strike.

Before Judge Shea.

Philip H. Schattgen vs. George Steck.—This is a case growing out of the "strikes" which occurred last Spring, and one of a batch of four brought against the same defendant. The plaintiff is a pianomaker; was a member of the journeymen's association; had left his workshop and joined the strikers, and on the 28th of May accompanied five of his associates to the piano factory of the defendant to try to persuade his workmen to join them. On their arrival there, during dinner hour, the plaintiff met one of the workmen and asked him to tell the people in the factory that a committee of the association wished to speak with them. In the meantime a committee from the Varnishers' Association arrived on the same errand. After a few moments Mr. Steck came out and asked if they wanted him, to which they replied that they wanted to see his journeymen. Mr. Steck then requested them to go away, to which plaintiff answered, "As long as the people here conduct themselves properly you cannot send them away." Defendant then went into the building, shortly afterwards came out and proceeded up the street, and after a few moments a posse of police arrived and took the plaintiff with ten others into custody, the remainder running away. At the time of the arrest plaintiff says he had retired from the building and was sitting down in a stoneyard two lots distant, while the police officer testifies that he apprehended him in front of defendant's factory, and, he thought, on the steps leading to it. On being taken to the station house the defendant was present and made a complaint, but upon going before the Justice at Jefferson Market withdrew the complaint, saying he did not wish to injure the men at all, only wanted them to keep away from his factory and not bother his workmen. This action is brought to recover damages for false imprisonment. At the close of plaintiff's case a motion was made to dismiss the complaint, on the grounds, first, that defendant is not shown to be the procuring cause of the arrest; second, a want of reasonable or probable cause is not shown; third, no proof of malice. The Court non-suited the plaintiff, basing its decision principally on the second ground. It is understood that a new trial will be argued for at length before either of the other cases are called on. For plaintiff—Reymert, Cornell & Pomeroy. For defendant—Cotterill Bros.

MARINE COURT—SPECIAL TERM AND CHAMBERS.

Decisions.

Before Judge Gross.

Thomas R. Barowsky vs. Ezekiel R. Thompson and Others.—Motion for judgment granted.

Alexander T. Stewart vs. Norman W. Kingsley.—Motion for stay of proceedings denied.

COURT OF GENERAL SESSIONS.

Pleas, Convictions and Sentences.

Before Recorder Hackett.

Yesterday William Moore, charged with robbery in stealing a pocketbook containing $20 from Denton Pearsall, upon a Fourth avenue car, on the 27th of November, pleaded guilty to petty larceny from the person, and was sent to the State Prison for five years.

John H. Young was convicted of an attempt at grand larceny, the evidence against him being that on the 24th of September he was found in the premises of Otto Egner, in Tenth avenue.

James Meehan pleaded guilty to a similar offence, the allegation being that on the 23d day of November he stole clothing valued at $36 from John Quinlen.

Young and Meehan were each sent to the State Prison for two years and six months.

An Old Offender Convicted of Stealing in a Broadway Jewelry Store.

Peter Wiley, alias Henry Marshall, alias George Delmar, was tried upon a charge of grand larceny, and the indictment alleged that it was a "second offence." The proof to establish the specific charge was that on the 28th of October he, in company with a man named Williams, entered the store of Richard H. Elias, 611 Broadway, to purchase studs, and while looking at them the proprietor saw Wiley take three sets, which were valued at $18. Assistant District Attorney Stewart adduced documentary proof to show that the prisoner pleaded guilty to grand larceny and was sentenced by Judge Russell in April, 1868, to the State Prison for five years, and two witnesses swore that Wiley was the man who gave his name as Delmar.

Mr. Howe presented a number of technical objections, which were overruled by the Court.

The jury rendered a verdict of guilty of petty larceny, and said they believed him to be the man sentenced in 1868. He was remanded for sentence.

A Gang of Robbers Attack a Citizen in Wooster Street and Steal His Gold Watch—One of the Highwaymen Found Guilty and is Sent to the State Prison for Twenty Years.

John McMullain, upon whose physiognomy the unmistakable signs of villany and brutality were stamped, was tried and convicted of robbery in the first degree. The testimony was brief, but clearly established the guilt of the accused. It appeared from the evidence brought out by the prosecuting attorney that on the evening of the 27th of November, about twenty minutes past nine, James Hume, who resides at 127 Clinton place, was walking down Wooster street and was jostled against by three men; he stepped aside to let them pass, and in doing so was caught by the shoulders by one of the gang, and then he saw the prisoner approach him with his arm raised, but he did not see what was in his hand; he was knocked down and rendered insensible; the next thing he knew was that he was in the station house an hour after the occurrence. The highwaymen escaped. He gave a sufficient description of McMullain to the captain as to lead to his arrest five days afterwards, and when Mr. Hume went to the station house he unhesitatingly identified him as one of the men who attacked him and stole his gold watch. The evidence of identity was confirmed by Louisa Smith, who witnessed the entire occurrence. She had known McMullain by sight for a year and positively identified him as the man who struck the complainant on the head and took his watch.

The accused went on the stand and denied that he participated in the crime. Without leaving their seats the jury rendered a verdict of guilty, and the Recorder, with characteristic promptness, sentenced McMullain to the State Prison for twenty years, remarking that there never was a more righteous verdict rendered in that Court.

COURT OF SPECIAL SESSIONS.

Juvenile Offenders at the Bar of Justice—Row Between Bootblacks—Visit of Miss Neilson, the Tragedienne.

Before Judges Bixby, Ledwith and Scott.

The calendar yesterday morning was a very long one, but was rapidly disposed of.

Mary Ann Flynn stole a few articles of underwear from Mary Kelly, on Tuesday last, and was sent to the Island for two months.

A boy named Lawrence Morrissey was accused of conspiring with another to rob the till of the store 405 Sixth avenue. Miss Harriet Keller, a stylish-looking young lady attendant in the store, made the complaint. She said that on Thursday last the boy (Morrissey) came in with an envelope, and handing it to her said that it was "a telegraphic despatch for the lady of the house." She went into the back room, and while there another boy entered and robbed the till of $20. She discovered the loss before Morrissey left, and had him arrested.

Judge Bixby decided to send Morrissey to the School Ship. His accomplice has thus far escaped arrest.

John McKinley, Samuel McKinley and Daniel Sullivan, three young Washington Market pickpockets, arrested on Saturday night, were then arraigned. Officer John McDonald, of the Third precinct, made the complaint. Mr. Shaffer, of the Five Points Mission, came forward and gave John McKinley a very good character, stating that he had known him for some time, and always found him an honest, truthful boy. He was discharged. The others were, after a somewhat tedious examination, also discharged, by reason of failure of proof.

The next case was a peculiar one. William Harnett and Julio Mariohetti "shine" for a living, and ply their vocation in the City Hall Park. Harnett accused Julio of stabbing him in the knee with a knife, the feud arising from business rivalry. Julio could not speak English, and Mr. Thomas W. Burke kindly officiated as both interpreter and counsel for the exiled child of sunny Italy. Master Julio Marionetti, through his advocate and interpreter, informed the Court that he had been attacked by Harnett and two other boys with stones and blacking boxes, had suffered severe contusions, and was driven, in self-defence, to avail himself of an old umbrella, and that it was a stone thrown by one of Harnett's own confederates that had caused the latter's injuries. Judge Bixby, evidently deeming the prisoner more sinned against than sinning, discharged him from custody.

Just before the Court adjourned the proceedings were somewhat enlivened by the appearance of Miss Neilson, under the escort of Judge Dowling. She came like an "apparition of light" upon the scene, and the gloomy chamber became radiant in the light of her presence. She had been visiting the interior of the prison, crossed "the Bridge of Sighs" and produced as much of a sensation in the historic corridors of the Egyptian Temple as on the histrionic board. She was elegantly attired in a maroon-colored dress, with a profusion of trimming, her shoulders being covered with a militaire sacque, trimmed with gold braid and buttons, while her glossy, purplish-black hair was surmounted by a green alpine chapeau of the latest style. The Court did very little business after her exit.

JEFFERSON MARKET POLICE COURT.

Felonious Assault.

The case of James Conway, who was arrested on Monday evening for violently assaulting and beating Nathan Raymond, an aged conductor, on an Eighth avenue car, came up at Jefferson Market yesterday. A physician's certificate that Raymond was unable to appear was presented, and the prisoner was remanded to await result of injuries.

Robbery.

Fred McCord, a young gentleman from Pleasant Valley, visited Miss Nellie White at a house in East Fourth street upon Monday night, and yesterday appeared at the Jefferson Market Police Court and charged her with robbing him of $100. Nellie was arrested, and, though protesting her innocence, was locked up that she might be found when her trial came on.

COURT CALENDARS—THIS DAY.

SUPERIOR COURT—TRIAL TERM—Part 1—Held by Judge Freedman.—Nos. 1551, 789, 1877, 1895, 1657, 1859, 1109, 1267, 1799, 1825, 1815, 1627, 751, 1665, 1077, 303, 953. Part 2—Held by Judge Van Vorst.—Nos. 1486, 1256, 1384, 1386, 876, 1476, 726, 2020, 1522, 1398, 1512, 460, 370, 112, 822, 1378.

SUPREME COURT CIRCUIT—Part 1—Held by Judge Van Brunt.—Case on. Part 2—Held by Judge Brady.—Nos. 96, 42, 26, 38½, 66½, 534, 1204½, 1228, 1258, 698, 702, 688, 1140, 898½, 1198, 1276, 3828, 406, 890, 4026.

SUPREME COURT—SPECIAL TERM—Held by Judge Fancher.—Demurrers—Nos. 18, 23, 31, 17, 25, 19. Law and fact—Nos. 26, 5, 48, 55, 87, 90, 8, 35, 36, 89, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 86, 9, 27, 28, 54, 1, 10, 64, 50.

SUPREME COURT—CHAMBERS—Held by Judge Leonard.—Nos. 28, 31, 59, 60, 75, 76, 77. Call 78.

COURT OF COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge Daly.—Nos. 1589, 1073, 1707, 1034, 1435, 374, 71, 1516, 1542, 1695, 1696, 1629, 1092, 2790, 129, 1124½, 866, 59, 1366, 68, 1598, 1051, 1156, 1604, 2495, 1721, 763, 506, 2807, 1247, 50.

MARINE COURT—TRIAL TERM—Part 1—Held by Judge Shea.—Nos. 831, 876, 722, 723, 724, 1749, 1752, 1114, 710, 1126, 1756, 1116, 1144, 1146. Part 2—Held by Judge Joachimsen.—Nos. 1353, 1139, 557, 1659, 1113, 1143, 1145, 1147, 1149, 1151, 1153, 1157, 1161, 1163, 806. Part 3—Held by Judge Curtis.—Nos. 497, 560, 912, 936, 967, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046.

COURT OF GENERAL SESSIONS—Held by Recorder Hacket.—Murder, August Wood; robbery, Thomas Brown, Thomas Donohue, Charles Law, Michael Fitzgerald; burglary, John Lawson, William Davis; bigamy, Jasper Van Riper, Augustina Schmulenberger, John Evans; grand larceny, Henry Newman, David Rice, Alvin Morin, Morris Montgomery, Henry P. Flagler, Joseph Parker, William Smith, Edward Bogan, Simon F. Thomas, William Stone; felonious assault and battery, Jerry Williamson, Patrick Connelly.

UNITED STATES SUPREME COURT.

A Bill to Rescind a Sale of West Virginia Land—Back Taxes on Thimble Skens—Breach of Contract by the Government—The Right to Draw Water from a Canal—Adjournment of the Court for the Holidays.

WASHINGTON, Dec. 17, 1872.

No. 72. Kimball et al. vs. West—Appeal from the Circuit Court for the District of Missouri.—This was a bill to set aside the conveyance and rescind the sale of a certain tract of land in West Virginia for alleged fraud. The fraud charged consisted first, in false representations by West to the purchasing agent of the appellants to the effect that his title was perfect and free from encumbrances, and second, in the concealment by West of the fact that another party claimed a part of the tract for which a suit was then pending against him. The decree was for West, and it is here urged that as he failed to give a good title to the whole tract, the purchasers should be relieved from their contract.

The appellee insists that the appellants have never been disturbed by any adverse title, and that the Court of Equity will not interfere in the case, but will leave the parties to their remedy at law. R. T. Merrick for appellants; J. W. Brashears, for appellee.

No. 47. Erskine, Collector, vs. Van Arsdale—Error to the Circuit Court for the District of Wisconsin.—This was an action to recover back taxes paid on thimble skeins and pipe boxes manufactured by the defendants in error. The Court charged the jury that by the act of 1867 these articles, made of iron, whether cast or wrought, are exempt from taxation, and that no tax could be legally laid after the date of that act. This Court hold that the charge was correct, and affirm the judgment entered on the verdict rendered in pursuance of it. The Court also affirm the judgment as to interest, saying that a citizen who pays an illegal tax, and is obliged to recover it by suit, is entitled to interest. The Chief Justice delivered the opinion.

No. 25. Maddox et al. vs. The United States—Appeal from the Court of Claims.—This action was brought to recover $735,544, as damages for an alleged breach of contract by the government for the purchase of tobacco. The Court of Claims found that the claimants were not the owners of the tobacco when the contract with the Treasury agent was made, but purchased it within the rebel lines thereafter, and that the contract was therefore void under the regulations of the Treasury Department for the purchase of products of the insurrectionary States.

This Court affirm the judgment, holding that in his character as Treasury agent the agent concerned had no right to deal with the appellants at all; but if it were otherwise the contract which he did make was unlawful, for the reasons assigned by the Court of Claims. Mr. Justice Davis delivered the opinion.

No. 6. Bouldin et al. vs. Alexander et al—Appeal from the Supreme Court of the District of Columbia.—This was a suit in equity, brought by Alexander and others against Bouldin and others, to determine the right of the parties, as trustees, to control the Third Colored church of Washington, and also to determine the validity of a certain deed by which Bouldin conveyed the land on which the church is situated to Alexander and those associated with him. The decision below established the right of the defendant here and the Court affirmed the decree.

Mr. Justice Story delivered the opinion.

No. 305. Hall et al. vs. Jordan—Error to the Supreme Court of Tennessee.—Motion to dismiss denied.

No. 68. Scott et al. vs. Eaton et al—Error to the Supreme Court of Arkansas.—Motion to dismiss denied.

No. 40. Chesapeake and Ohio Canal Company vs. Hill—Appeal from the Supreme Court of the District of Columbia.—This was a suit in equity to establish the right of Hill under a contract with the canal company to draw water from the canal to run a paper mill. The Court below decided that a contract for as much water as would run through a certain aperture was to be construed in the light of all the circumstances—the depth of the canal, the condition of things at the time the contract was made, &c.—and he held that circumstances changing so that this amount of water was not obtained, the contract entitled Hill to such new arrangements as would insure it.

This Court say in substance that the grant was substantially a grant for a certain quantity of water, and that the quantity must be determined by the circumstances under which the water is to be drawn and in view of everything connected with its use, and hold that the grantee is entitled this amount of water, though it should become necessary to enlarge the aperture. Decree affirmed.

Mr. Justice Bradley delivered the opinion.

Mr. Justice Strong dissented, holding that the judgment below made a new contract between the parties.

The Chief Justice announced that the Court will adjourn from the 20th inst. to the 6th of January.

COURT OF APPEALS.

Decisions.

ALBANY, N. Y., Dec. 17, 1872.

Judgments affirmed, with costs—Koehler vs. Koehler, The Continental National Bank vs. The National Bank of the Commonwealth, Collins vs. Hall, The City of Rochester vs. Hayden, People ex rel. Hayden vs. The Common Council of the City of Rochester, Graham vs. Selover.

Judgments reversed and new trial granted, costs to abide events:—Scoville vs. Landon, Develin vs. Coleman.

Judgment of the Supreme Court and decree of the Surrogate reversed with costs, and proceeding remitted to be proceeded on according to law—Hoyt vs. Bonnett.

Order granting new trial reversed and judgment on the report of the referee affirmed with costs as against the defendant, Alden, and order granting new trial affirmed and judgment absolute for the defendants with costs—Hubbell vs. Meigs.

Orders affirmed with costs—Minor vs. Upton. In the matter of the petitions of Bassford, Mayer and Dugro, to vacate assessments.

Order of General Term reversed and order of Special Term affirmed with costs—In the matter of the petition of Cameron to vacate an assessment.

Appeal dismissed with costs—Barker vs. Cocks.

Appeal from order dismissed with costs—Scoville vs. Landon.

Judgment affirmed—Harrison vs. The People.

Day Calendar.

The following is the Court of Appeals day calendar for December 18:—Nos. 565, 518, 348, 349, 421, 111, 393.

LIFE INSURANCE.

The Management of the New York Mutual.

FELLOW POLICY-HOLDERS.—During the past week hundreds of you united in the protest against the reduction of rates by the Mutual Life, and the remonstrances are still coming in large numbers. No action had been taken upon them, but so great was the pressure brought to bear upon the officers of the company by the opposing life companies that, after frequent and earnest conferences, what we may call the "Delmonico treaty" was finally arranged and executed by the high contracting parties on Friday last, and on Saturday, after a protracted meeting, the Board of Trustees decided to suspend for the present the contemplated reduction in rates; and you have in the daily papers of to-day the announcement of the capitulation of the Mutual Life, couched in the language of the adept insurance diplomats who negotiated the treaty. Without pausing to discuss the alleged reasons for this action by the Mutual Life, and merely calling your attention to the fact that it suspends and does not finally determine the matter, I pass to my present purpose of preparing you for the efforts which will doubtless now be made to frown down criticism and divert your attention from matters of mismanagement in the affairs of that company.

It has been said with much truth that "one of the greatest dangers connected with the management of life insurance companies in this country has been immunity from criticism on the part of policy holders." This arises in no small degree from the fact that the influence of these wealthy corporations has become so powerful and widespread that most policy-holders shrink from incurring the hostility which adverse criticism inevitably arouses, and acquiesce in or submit to that which they would otherwise unhesitatingly condemn and oppose. Furthermore, those upon whom such criticism bears are ever ready to torture it into an attack upon the business, principles and cash interests involved in life insurance, and thereby to alarm the policy-holder and divert his attention from their own misdeeds. None understand this mode of defence better, or can use it more adroitly, than the chief officer of the Mutual Life. But through your liberal contributions the solvency of that company is so well assured and its position so well established, despite the shortcomings of those who control its affairs, that you may not only safely dismiss all fears that it can be injured by criticism or investigation, but it is your duty to yourselves and to those whom you seek to protect by the insurance of your life to root out everything that is corrupt and wrong in its management, and to evince your determination that unless its affairs are conducted honestly and in full accord with the spirit of the trust which you have created, you will fearlessly and thoroughly expose those who are derelict and award them the full measure of punishment they may deserve. Two years ago, when an effort was made to arouse you to a just appreciation of the infidelity of the officers of the Mutual Life, corruptible men controlled the State offices, and the public feeling had not yet ripened; but the spirit of reform has been so awakened by the disclosures of corruption in high places and of the evils which have wielded such baneful influence in matters of public trust, that I believe your minds are now disposed for the reception of the truth with regard to some of those who have controlled the affairs of the Mutual Life, and that you will unite in every proper effort to eliminate from that management everything that tends to endanger its safety or to impair its fair fame and credit.

In a previous letter I gave you in brief some of the well-established facts inculpating the officers in transactions inconsistent with fidelity and morality, and can give you more. I can show you how applications were altered by members of President Winston's family to secure brokerages they had not earned; how a lunatic brother-in-law of Vice President McCurdy was placed in a most lucrative agency of the company, and his employment continued and thousands of dollars paid for his alleged services when he was actually confined in the Bloomingdale Lunatic Asylum; how, by a fiction of bookkeeping, millions of dollars previously credited as income in the books of the company were again included as "actual cash" receipts of subsequent years, to effect the apparent ratio of expenses of the company and of other acts; but my present object is to show you by a few brief examples how the trustees have dealt with these transactions, to enable you to determine for yourselves how far you may safely rely upon the trustees to correct similar abuses.

I have told you of the $30,000 loan to a trustee and the false statement resorted to by President Winston to conceal it from the Finance Committee. The committee of trustees appointed to inquire into that transaction were Lucius Robinson, Alexander Bradford, John Wadsworth, David Hoadley and William Smith Brown. All of them signed the "statement of the facts," in which it is stated that when the $30,000 was returned "the clerk making the weekly statement to the Finance Committee at first entered it separately as so much received for United States certificates. He subsequently, by direction of the President, erased the entry and placed the amount with the general statement of receipts from premiums." Thus, by direction of the President, the clerk falsified the weekly statement, and yet with the fact so distinctly stated by themselves, all, save Mr. Brown, reported that "in respect to the management of our affairs with integrity, fidelity and efficiency, the committee have found nothing to condemn and much to praise." Mr. Bro[illegible] found evidence of intentional deception [illegible] fused to join the others; and it will [illegible] surprising to all who knew the [illegible] sition in social and religious [illegible] has attained, that, with the [illegible] ance of a deliberate false[illegible] ston for the concealment [illegible] action, he did not concur w[illegible]

With regard to the resto[illegible] the life of President Winst[illegible] [illegible]mony of Messrs. William Betts a[illegible] Popham—both honorable and truth[illegible]—clearly shows that Vice President McCurdy [illegible]artly by withholding and partly by misrepresenting the facts necessary to guide them in the proper performance of their duty, procured the passage of a resolution which accomplished a purpose entirely at variance with their understanding and donating ten times the amount that was intended. Yet with the evidence that they were thus deliberately deceived by him both acquiesce in his retention in office. And with regard to this transaction Mr. Lucius Robinson, in a letter written and widely distributed by the officers after the truth was fully established with regard to their policies, states, "as facts in the case," that young Winston was compelled to abandon his policies from poverty and because "he supposed his salary (only $2,750 at the highest point) would enable him to keep his policies up;" and that "the Insurance Committee, finding that he had been forced to abandon his policies because we did not pay him a salary sufficient to support him, at once recommended the 'restoration of his policies upon payment of back dues and interest.'" Now the testimony of the two members of the Insurance Committee above named shows that they acted upon no such information, and the records of the company show that instead of being paid "only $2,750 at the highest" his salary had been $3,000 per annum, and was continued to be paid after his death in July until the end of the fiscal year on the 1st of February following, with 20 per cent additional, and that on the 9th day of March preceding his death he was paid $3,750 "bonus" and that over $200. Brokerages were paid him by the company in 1864 and 1865, which would have served to have kept his $5,000 policy alive. Furthermore, the accounts of his administrators show that they received August 16, 1866, from the "Mutual Life Insurance Company, $3,727 95, amount of insurance on life of said F. M. Winston," and which was not derived from the restored policies in question. Thus the evidence completely invalidates Mr. Robinson's statements. And when President Winston, on the 12th of July, 1869, requested a committee of trustees, composed of J. V. L. Pruyn, William E. Dodge, Henry E. Davies, Oliver H. Palmer and David Hoadley, "to ascertain whether any injustice or wrong had been done the company, or any departure has, in this case, been made from the fixed policy of the company in cases of similar nature," the chairman of that committee reported that the "action of the Insurance Committee and Board had been unanimous in this case and in conformity with many other precedents." You will doubtless be greatly surprised that such a transaction was in "conformity with many precedents," and that a most energetic effort, subsequently made by the officers, utterly failed to produce a single one of such "precedents."

Great surprise has been expressed that Mr. William E. Dodge should have concurred in that report, and it can hardly be possible that he had fully informed himself of the facts; yet his name has again and again been given as authority that this transaction was justifiable and in accordance with the practice of the company.

And now hear what a trustee testified to with regard to the $189,000 bonus business to which I alluded in a previous communication in the HERALD. Mr. William Smith Brown testified that when the report of the committee was made, recommending the payment of this bonus to the officers, "it produced considerable discussion in the Board, but was adopted at that meeting, if I remember right, with the strongest minority vote that I had ever seen up to that time in the Board. It was, to my mind, perfectly apparent who the men were that voted for and voted against it, although the yeas and nays were not taken. Every man who received payment for his services through the officers of this company—every attorney, every man who had a bank account, with perhaps one exception—all men who were deriving benefits, voted for it. The men who had no connection of the kind with the company, who were perfectly free and independent, were those who voted against it. Still it was carried. Subsequently I proposed its repeal, and if my memory serves me right I was induced, at the request of Judge Bradford, to postpone the matter, to let it lie over." He further says:—"I asked Judge Bradford whether the bonus was intended to be put upon the February dividend, and told him that if it was continued to run with the dividends that I should agitate its repeal. He pledged me his word that it should not. I therefore paid no more attention to it. I knew that it was in his power, if he chose to stop it. I was for two or three years in entire ignorance of the fact that it was continued, for it was charged to 'dividends' and buried up entirely." And he gives the following account of its final repeal:—"Happening to be here at the annual meeting previous to the repeal of this, I was struck with the motion of Mr. Brady moving that twenty per cent be paid upon the salaries to clerks. I said to a friend, after we left the Board, 'Why were not the officers included?' That led to my investigation, and I found that these bonuses had been continued. I then determined to secure their repeal, and I waited until I saw a chance to get my motion in. I didn't dare to agitate it, for if I had it would have been killed dead. I therefore produced my resolution without consulting. I think there were but two members of the Board who had any knowledge of my intention to offer it. It led to a motion from Mr. Sproulls to lay my resolution on the table. A vote was taken on that motion, and notwithstanding that the President and Vice President both sat there and voted upon that motion of Mr. Sproull's, we carried it by one, I think. Had there been another officer there we would have lost it. That led to the appointment of a committee who reported in favor of its repeal unanimously, and their recommendation passed with but one dissenting vote, and that vote was Lucius Robinson's, I believe."

This evidence gave rise to bitter feeling against Mr. Brown, but it was not invalidated by all that was produced in rebuttal.

These facts will give you some insight into the internal arrangements of the Mutual Life which will, doubtless, be very distasteful to those who have heretofore been successful in their efforts for concealment, and who concur in President Winston's opinion that "there has been far too much leakage" as to the conduct of its affairs. I may also have trespassed so far as to hazard the enforcement of Mr. Attorney Jewell's threat to me that "the publication of any part of said 'examination' will be prosecuted by the company to the full extent of the law." But you can now form some opinion as to the correctness of my belief that the affairs of that company are too greatly controlled by a small minority of active, shrewd, self-seeking men, "who are receiving benefits," and whose tenure of office can only be curtailed by the vigorous and united efforts of the policy-holders.

To rid ourselves of such men and to arouse those reliable gentlemen in that Board who, I believe, can and will unite in bringing about the needed reform in the Mutual Life, is now the problem before us, and upon which I next propose to address you.

JAMES W. McCULLOH, 60 Beaver street.

NEW YORK, Dec. 16, 1872.

THE HERALD AND THE LIFE INSURANCE COMPANIES.

[From the New York Chronicle, Dec 12.]

It is manifest that the daily press is at last awaking to the public interest and interests in both life insurance and fire insurance. The HERALD leads off, as usual, in the discussion of these topics of the day. It treats them as they appear in the light of the losses occasioned by the late Boston fire, the subsequent increase of fire rates by the National Board of Underwriters, and the almost simultaneous determination of the "New York Mutual Life" to reduce its rates. The articles on the subject which have recently appeared in the HERALD attest at once its traditional enterprise and its impartiality. Cannot this great journal find among its recruits for a Cuban army of reporters a second Stanley, to explore the worse than African wastes and wilds in which so many rotten insurance companies are hidden?

OPENING OF A GRAMMAR SCHOOL.

NEWBURG, N. Y., Dec. 17, 1872.

Grammar School No. 2, a handsome new structure replacing the old grammar school, was dedicated last evening with appropriate ceremonies. Speeches were made by Rev. Wendell Prime, Judge Thomas, George Mitchell, H. Hirshberg and James G. Graham. There was a large attendance of citizens. The building cost $32,000, and will seat about one thousand children.